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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------------|------------------|
| 10/017,093 | 12/13/2001 | Markus Klausner | 11403/12 | 6511 |
| 26646 7590 03/28/2007 KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004 | | | EXAMINER NGUYEN, THU V | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3661 | |

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS | 03/28/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/017,093

Applicant(s)

KLAUSNER ET AL.

Examiner

Thu Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 and 29-39 is/are pending in the application.
- 4a) Of the above claim(s) 1-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-26 and 29-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 2/20/04 & 12/13/01 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/17/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The amendment filed on January 17, 2007 has been entered. By this amendment, claims 27-28 have been canceled, claims 1-19 have been withdrawn from consideration and claims 20-26, 29-39 are pending. Accordingly, claims 20-26, 29-39 are examining in this office action.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 20-21, 24-26, 29-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dix (US 6,677,854) in view of Lang et al (US 6,295,492).

As per claim 20, Dix discloses a system for monitoring at least one apparatus in a vehicle. The system comprises: at least one sensor 51 (fig.3) situated in the vehicle for sensing at least one error **code** of the at least one apparatus, the at least one sensor being electrically being coupled to a vehicle bus (col.7, lines 8-13; col.11, lines 17-25); a gateway node 14' (fig.8) situated in the vehicle, the gateway node being electrically coupled to the vehicle bus 44 (fig.3) (col.18, lines 44-46), the at least one sensor for communicating the at least one error to the gateway node via the vehicle bus using a network protocol (col.6, lines 40-67; col.7, lines 1-7), the gateway node including a controller arrangement and a first wireless protocol arrangement 14' (fig.8), the first wireless protocol arrangement being coupled to the controller arrangement

(col.18, lines 44-46), and a processor 800 (fig.8), the gateway node communicating the at least one error code to the processor via a second wireless protocol arrangement 802 (fig.8) that communicates with the first wireless protocol arrangement, using a wireless communication protocol (col.18, lines 54-56); the at least one error concerns diagnostics information and is accessible from the vehicle bus (col.5, lines 26-34; col.6, lines 40-44). Dix does not explicitly teach that the error messages sent from the sensor are error codes. However, Dix teaches that the error from the sensor and controller indicates type of failure (col.6, lines 53-58) and Lang teaches that sensors normally transmit codes indicating the status of components on the vehicle (col.5, lines 14-15, lines 38-40). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to indicate specific error based on specific error code and transmitting the error code to the gateway node 14' (fig.8) of Dix in order to facilitate recognition of specific failure at the vehicle component the sensor is monitoring.

As per claim 21, Dix teaches that the wireless communication protocol includes a Bluetooth protocol (col.18, lines 45-48), the first wireless protocol arrangement 14' (fig.8) includes a first Bluetooth hardware arrangement (col.18, lines 44-53), and the second wireless protocol arrangement 800 (fig.8) includes a second Bluetooth hardware arrangement (col.18, lines 54-56).

As per claim 24, Dix teaches transmitting error information upon user request (col.6, lines 35-38). Furthermore, interrogating the at least one apparatus for the at least one error code upon request from a user would have been well known and obvious matter of design choice. One of ordinary skill in the art would have found it obvious to interrogate the apparatus

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for an error code when there is a request from the user because performing diagnosis upon request is known to save the system resource.

As per claim 25, Dix teaches an engine system 46 (fig.3) (col.5, lines 29-34).

As per claim 26, Dix teaches a cellphone communicator 800 (fig.8) electrically coupled to the processor; a remote application 806 (fig.8) for communicating with the cellphone communicator via a cellphone base station; the remote application is for receiving the at least one error (col.18, lines 54-67; col.19, lines 1-9).

As per claim 29, comparing the at least one error code to a look-up table to determine a status code would have been well known. One of ordinary skill in the art would have found it obvious to compare the error code with the old and well known look up table because using the well known look up table to decode coded information are known to be efficient.

As per claim 30, Dix teaches communicating the status code is to a user (col.10, lines 1-11).

As per claim 31, Dix teaches that the status code is communicated to a user by at least one of a visual display unit and an audible signal (col.10, lines 1-11, 24-25; col.9, lines 58-59).

As per claim 32, Dix teaches that the processor is in a hand-held computer (col.19, lines 44-50). Furthermore, using a handheld computer to enable a user to display and analyze

vehicle diagnostics on the handheld computer would have been well known. One of ordinary skill in the art would have found it obvious to replace the cell phone with the old and well known handheld computer because using the handheld computer for vehicle diagnosis are known to be convenient for mobility trouble shooter.

As per claim 33, claim 33 discloses the method corresponding to the apparatus disclosed in claim 20. Refer to claim 20 above.

As per claim 34, claim 34 discloses the method corresponding to the apparatus disclosed in claim 29. Refer to claim 29 above.

As per claim 35, claim 35 discloses the method corresponding to the apparatus disclosed in claim 30. Refer to claim 30 above.

As per claim 36, claim 36 discloses the method corresponding to the apparatus disclosed in claim 31. Refer to claim 31 above.

As per claim 37, claim 37 discloses the method corresponding to the apparatus disclosed in claim 24. Refer to claim 24 above.

As per claim 38, claim 38 discloses the method corresponding to the apparatus disclosed in claim 21. Refer to claim 21 above.

3. Claims 22-23, 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dix (US 6,677,854) in view of Lang et al (US 6,295,492) and further in view of Horst et al ("Opening Bluetooth for Technical Tasks – Possibilities and Challenges for Automotive Applications) (applicant's enclosed IDS).

As per claim 22, Dix teaches a data bus 44 (fig.3), and Horst teaches a common vehicle data bus that includes a Controller Area Network protocol (page 9, last two paragraphs, page 10, last paragraph). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to choose the data bus that uses CAN protocol as a data bus 44 (fig.3) in the system taught by Dix in order to ensure suitable interface for transposing data packets to the Bluetooth interface as motivated by Horst in page 10, last paragraph.

As per claim 23, Horst teaches that the gateway node includes a Controller Area Network/Bluetooth gateway node (page 10, last paragraph).

As per claim 39, claim 39 discloses the method corresponding to the apparatus disclosed in claim 22. Refer to claim 22 above.

Response to Arguments

4. Applicant's arguments with respect to claims 20-26, 29-39 have been considered but are moot in view of the new ground(s) of rejection.

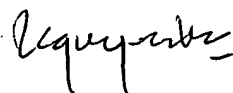
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Nguyen whose telephone number is (571) 272-6967. The examiner can normally be reached on T-F (7:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

March 23, 2007


THU V. NGUYEN
PRIMARY EXAMINER